

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

TRUE THE VOTE, INC.

Plaintiff-Appellant,

v.

INTERNAL REVENUE SERVICE, *et al.*

Defendants-Appellees.

No. 14-5316

PRELIMINARY STATEMENT OF ISSUES TO BE RAISED

Pursuant to this Court's Order of December 19, 2014, Appellant True the Vote, Inc., through counsel, respectfully submits this non-binding Statement of Issues to Be Raised on Appeal:

A. Claims under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)

1. Did the district court err in holding that Appellant's First Amendment claim for money damages pursuant to *Bivens* is not cognizable against agents and officials of the IRS?

B. Unauthorized Inspection of Tax Return Information

2. Did the district court err in holding that the Government defendants did not illegally inspect Appellant's tax return information in violation of 26 U.S.C. § 6103?

C. Mootness

3. Did the district court err in holding that Appellant's First Amendment

and Administrative Procedure Act claims against the Government are moot?

4. Did the district court err in holding that Appellant's request to stay agency action—specifically, Appellant's request to enjoin public release of its application for tax-exempt status—is moot?

Dated: January 20, 2015

Respectfully submitted,

/s/ John C. Eastman

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Preliminary Statement of Issues to be Raised with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system on January 20, 2015. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 20, 2015

/s/ John C. Eastman

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